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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,738	08/22/2001	Kaoru Kobayashi	CS-37-010822	6510
22712	7590	12/17/2003	EXAMINER	
PAUL A. GUSS PAUL A. GUSS ATTORNEY AT LAW 775 S 23RD ST FIRST FLOOR SUITE 2 ARLINGTON, VA 22202			BACKER, FIRMIN	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/933,738

Applicant(s)

KOBAYASHI, KAORU

Examiner

Firmin Backer

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

This is in response to a letter for patent filed on August 22<sup>nd</sup>, 2001 in which claims 1-12 are presented for examination. Claims 1-12 are pending in the letter.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Wachtfogel et al. (U.S. PG Pub No. 2002/0138831)

3. As per claim 1, Wachtfogel et al. teaches an advertising system (*advertisement in an end user controlled playback environment, 10*), which provides advertisements (*transmit advertisements*) on a display (*displaying*) of a computer (*user unit, 20, 35*) through a network (*network, 30*) communications system (*satellite system, 25*), comprising storing means (*memory, 220*) for storing advertisements after gradually fractionalizing advertisement areas thereof (*see paragraph 0174*), categorizing the advertisements according to levels of fractionalization and area sections within the levels (*see paragraph 0174*), and categorizing the advertisements

Art Unit: 3621

according to the content thereof (*see paragraph 0174*), data receiving means (*user unit*) for receiving from the computer perusal data indicating the levels of fractionalization, the area sections within the levels and the content of the advertisements (*see paragraph 0174*), retrieving means for retrieving, from information stored in the storing means, advertisements categorized according to the levels of the fractionalization, the area sections and the content of the advertisements, all of which are concerned with the perusal data received by the data receiving means, and data transmitting means for transmitting to the computer advertisement data on the advertisements retrieved by the retrieving means (*see paragraph 0175, 0176*).

4. As per claim 2, Wachtfogel et al. teaches an advertising system wherein the data receiving means further comprises means for receiving from the computer for providing advertisements category data on the levels of the fractionalization with respect to the advertisements, the area sections on the levels and the content of the advertisements; and the storing means further comprises means for storing the advertisements by categorizing them based on the category data received by the data receiving means (*see paragraph 0174*).

5. As per claim 3, Wachtfogel et al. teaches an advertising system wherein the storing means further comprises means for storing the advertisements containing common content in given area limits within higher levels of the fractionalization (*see paragraph 0174*).

6. As per claim 4, Wachtfogel et al. teaches an advertising system further comprising a counter for counting the number of the advertisements containing the common content in given

Art Unit: 3621

area limits, according to the content of the advertisements, wherein the storing means further comprises means for storing a higher number of the advertisements containing the common content in given area limits within the higher levels of the fractionalization (*see paragraph 0174*).

7. As per claim 5-8, Wachtfogel et al. teaches an advertising system wherein the computer comprises a mobile computer which is small and portable in size (*see fig 1, 2*).

8. As per claim 9-12, Wachtfogel et al. teaches an advertising system wherein the storing means comprises means for storing both job advertisements as part of the advertisement and employment periods as part of the content of job advertisements and the data transmitting means comprises means for transmitting to the computer advertisement data on job advertisements, enabling the computer to display job advertisements of advertisement data in chronological order according to each employment period (*see paragraph 0174*).

### ***Conclusion***

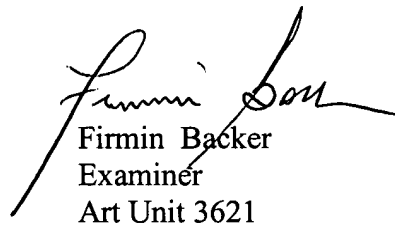
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (*see form 892*).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

Art Unit: 3621

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Firmin Backer  
Examiner  
Art Unit 3621

December 8, 2003